

February 9, 2012

## **PUBLIC SAFETY COMMITTEE REPORT**

A Public Safety Committee meeting was held on Thursday, February 9, 2012 at 5:30 p.m. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas

Committee Members Present: Winscott, King, Curry, Sandlin, Carr

Others Present: County Judge Bob Clinard, JPs Allen and Jones, Comptroller Richard McComas, Administrator of General Services Elizabeth Bowen, Administrator of Public Safety Marshal Watson, Bentonville Mayor Bob McCaslin, Bentonville Fire Chief Dan White

Media: Tom Sissom

JP Winscott called the meeting to order at 5:30 p.m.

### **Public Comments**

Larry Froelich, attorney and resident of Fayetteville, expressed his concerns about the inmate food served in the Benton County Jail. He stated that he will be providing County Attorney George Spence with an Attorney General's opinion and the complete history of Arkansas Code § 12-41-504 which addresses the feeding and keeping of prisoners, and urged the court to ask County Attorney George Spence to render an opinion as to whether or not it is the Quorum Court's obligation to determine how the inmates are fed. He stated that it is not right to use food as part of the punishment to the inmates in jail.

### **Discussion: Contract Submitted by the City of Bentonville for Ambulance Service Provided to Residents of the Unincorporated Area of Benton County**

JP Winscott stated that the purpose of tonight's meeting is to look at the Emergency Medical Service (EMS) contract that has been submitted by Mayor McCaslin for the City of Bentonville to the Quorum Court and County Judge. He stated that the Quorum Court has approved \$30,000 for an Emergency Medical Service countywide study which will examine various ways to provide EMS service and what the associated costs would be. He stated that tonight the committee will focus strictly on the contract proposed by the City of Bentonville, and the costs that have been submitted to the county.

Comptroller Richard McComas reported that the numbers used in preparing the contract presented by the City of Bentonville are; 1) Bentonville Fire Department Emergency Medical Service (EMS) calls totaled 3,381 – 77% of their total emergency costs; 2) Calls outside the City of Bentonville totaled 706, with 286 of that total made in the unincorporated area of the county, or roughly 8.46% of the total; 3) total calls outside the city amount to approximately 21% when all calls to Cave Springs, Centerton, Highfill, XNA and the unincorporated Benton County are included; 4) Total expenses related to Bentonville's EMS services total \$4,887,61, and 77% of the total emergency costs comes to \$3.7 million; 5) The cost of paramedic supplies that are spent just specifically on EMS calls totaled \$46,657; and 6) with a total adjusted costs for EMS operations of \$3.8 million.

Richard McComas stated based on the assumptions that the City of Bentonville has provided, they have a call rate of \$650 with a \$7.50 per mileage charge, and they are charging the patients \$702.50 per call. He added that when the rate of \$702.50 per patient is applied to the 286 calls into unincorporated Benton County that comes to a charge of \$200,915 for Benton County. He added that 8.46% is Benton County's share of the \$3.7 million budget, and that the City of Bentonville's total reimbursement from patients is \$200,915, leaving a total of uncovered costs for Benton County residents of \$121,384.

He stated that the shared ambulance depreciation costs for Benton County would be \$2,481 per year, with uncovered operating costs of \$123,865, and that when divided by the 286 Benton County calls, averages \$433 per call. He added that Mayor McCaslin has agreed to take out the building and maintenance costs of \$68,102, which would make the average call cost \$418, which is still above the \$400 per call that the City of Bentonville is asking for in the contract. He stated this is what the City of Bentonville is asking Benton County to reimburse them for.

JP Carr asked how many of the municipalities have entered into this contract.

Mayor McCaslin stated that similar contracts have been presented to Centerton, Cave Springs, Highfill, and Northwest Arkansas Regional Airport and that the cities are waiting on action by their city councils and that the airport board has agreed to the contract.

Mayor McCaslin stated that it is his responsibility as Mayor of the City of Bentonville to be in compliance with state law, just as it is that of the county be in compliance with the state law. He stated as Mayor of the City of Bentonville, that it is appropriate that they apply good stewardship to the assets and resources that don't belong to the city but belong to the taxpayer. He added that every decision we make has implications and the decision that was made by Benton County long ago to not provide emergency medical services to citizens of the unincorporated area serves is a disservice to both those residents and the residents that reside within the corporate city limits of Bentonville, thus causing the City of Bentonville to be in violation of Arkansas State law. He stated that the law says that a municipality may provide emergency medical services to a surrounding community, but under no circumstance should the citizens of that municipality financially underwrite that service that lays outside of their corporate city limits.

He stated that he speaks as a representative for the citizens of Bentonville, and wanted to point out that they are in violation of Arkansas State law, in that un-reimbursed City of Bentonville taxpayer resources are currently being used to provide EMS service outside their corporate city limits.

He stated that an EMS study should not delay this cost reimbursement requested, and that the County's decision to pursue this study is admirable but it does not relieve the Bentonville citizens and the unfair and illegal financial expense related to serving unincorporated county residents with emergency medical services.

He stated that certain members of the Quorum Court have questioned the costs of the EMS services that have been submitted, and that only costs that have been occurred have been submitted. He stated as a matter of clarification, there are materially more costs that could have rightly been included in the calculations; there is no portion of the Mayor or Chief Financial Officers salary, Staff Attorney, building and grounds costs, or costs for utilities in any of the facilities.

He stated that additionally they have agreed to submit charges for transports only and they will not charge fees for a Bentonville resident if they were to be picked up in the unincorporated area of Benton County.

He stated that Bentonville residents feel that through their tax base they have already paid for this service. He added that they were also not billing for past due charges for 2010, but for runs beginning

in January 2012, and have chosen not to bill the county for the two years in arrears, and that number is in excess of \$200,000.

He stated that he encouraged the Quorum Court to recognize the basic facts and the legal ramifications of this issue, and to commit to begin reimbursing for Benton County residents that reside outside of Bentonville, for the services that they are providing.

Lengthy discussion was held between members of the Public Safety Committee and Mayor McCaslin over the relative costs of ambulance service to Benton County and sales tax contributions received by the City of Bentonville from Benton County residents.

JP Allen stated that the county wants to pay what is fair.

Bentonville Fire Chief Dan White stated that Bentonville Fire Stations are structured now to take care of the City of Bentonville, and that part of the costs incurred is absolutely monetary and the other part of the costs is opportunity costs, and that they feel that they have investments going out into the county. He then explained how Bentonville Fire Stations are manned, and stated that when calls are made out in the county, those are opportunity costs to the City of Bentonville.

JP Jones stated that Arkansas Code states that to regulate patient transports authorized by the regulating city's franchised emergency medical service provider in a mutual aid agreement, if the franchised emergency medical service provider is not able to provide patient transports in a timely manner under the franchise agreement, and that in no event shall the city extending ambulance services beyond its boundaries be required in any manner to subsidize or otherwise extend financial support to render those services.

JP Jones stated that he disagreed with having Benton County subsidize for the buildings, ambulances, because that is not extending services.

Further discussion was held on Emergency Medical Services costs to unincorporated Benton County.

Bentonville Fire Chief Dan White stated that the \$400 charge to Benton County is applied only when they transport a non-Bentonville resident.

JP Carr stated this contract is an ultimatum out of left field, and that we need to come to an equitable number.

Mayor McCaslin stated that they have given audited financial numbers, and it is not anything that they have made up, and that this is what the City of Bentonville sent, this is their cost. He added if you want to price their business, perhaps you need to go into the business yourself.

JP Sandlin stated the county has paid for a study to be done and that in the mayor's letter it is requesting that the agreement needs a 60- day notice. She added if agreed by the committee, could the county pay for the runs that have been made up through this year, and would that suffice until a formal agreement has been made.

Mayor McCaslin stated that the time frame is a lower priority than the agreement.

Further discussion was held on the Emergency Medical Service costs to run an ambulance service for the City of Bentonville, and the unincorporated areas in Benton County.

JP Winscott recognized Administrator of Public Safety Marshal Watson. Administrator of Public Safety Marshal Watson stated that in 2010, the Interlocal Governmental Council provided a brief study to highlight the concerns of the Emergency Medical Service in Benton County, and that last year as a result of that study Benton County budgeted \$100,000 to reimburse ambulance service providers in 2011, and increased that amount to \$150,000 in 2012.

Marshal Watson stated he has talked with Gary Ludwig of the Ludwig Group, and that the Ludwig Group has received back the EMS questionnaire responses from many of the EMS participants in Benton County, and that they will be in town at the end of the month to conduct interviews with lead individuals for the EMS study to gain further understanding of the information that has been submitted through the questionnaire process and that the final draft will be submitted by early April.

Marshal Watson added that regardless of the results and the path that the county chooses, it would be very difficult for the county to implement any alternative service until sometime in 2013.

Marshal Watson said that he has estimated the cost of Bentonville ambulance service calls in unincorporated areas of the county for 2012 at about \$120,000 at the \$400 per call rate, and that if the county agreed to pay \$400 per call to all of the other ambulance providers, the county's cost would be around \$1 million.

JP Jones asked if any research had been done on that portion of the costs that are prescribed by law that Benton County should be paying. He added that he did not want the county breaking the law and that he wanted to know that the numbers are right.

JP King asked if the total numbers included the combination of the fire and ambulance service and if 77% of the total is what they are using for a structure point for the numbers.

Chief Dan White stated that they took 100% of the calls and then figured that the EMS calls were 77% of those calls, that way they were only dealing with EMS.

Marshal Watson stated that technically this is not 77% of 100% of their costs; this is the cost that the city felt that they could directly attribute to the provision of EMS.

JP Winscott asked if the county is required to provide any EMS service to the county residents.

Marshal Watson stated that they could not find anywhere in the state law where the county is required to provide this service. He stated that the county has no legal provision or requirement to provide fire or EMS in unincorporated areas in Benton County.

### **Other Business**

None

After motion and second the meeting adjourned at 6:58 p.m.